
SAGENT VS. MICROS

DEPOSITION OF DAN VAN VEELEN

PREPARED BY

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EXHIBIT

tabbles

B

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1 order?

2 A I don't know.

3 Q Why did you decide to use this format -- to

4 give it to Micros to use for this particular proposed

5 transaction?

6 A Because of the timeframe needed to get this,

7 the purchase -- the PO completed.

8 Q When was this document prepared?

9 A I don't recall.

10 Q Do you recall when you sent it to Peter Rogers?

11 A I don't recall. Sometime before June 30th.

12 Q And fair to say sometime after June the 6th?

13 A Fair to say.

14 Q But could be anywhere from June 7 to June 29;

15 is that correct?

16 A It would have been sometime after that. After

17 the decision had been made that the prepay was not going

18 to take place.

19 Q When was that decision made?

20 A I don't recall.

21 Q I direct your attention back to Exhibit No. 1,

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1 specifically the last two pages of it.

2 A Okay.

3 Q The text here is a little bit different than

4 what we just looked at on S-81; isn't it?

5 A Yes, it is.

6 Q There is a different bill to and ship to

7 address indicated?

8 A Yes, there is.

9 Q There is a reference in this, on this piece of

10 paper to USI where there is no such reference on S-81;

11 is that correct?

12 A Correct.

13 Q Turning over to the next page behind that one,

14 there is a document with a Sagent logo on it and

15 Exhibit A near the top. Take a look in the table

16 section, there is a column labeled Sagent product and

17 the product description, license fees, quantity and

18 total. Looks to be a license fee of a hundred and fifty

19 thousand dollars for the Sagent Data Mart Solution which

20 comprises various items, one quantity for extended price

21 of a hundred and fifty thousand. And Analytical

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1 Calculator of ten thousand dollars, and my math is much

2 better than this, but I don't add one hundred fifty

3 thousand to ten thousand and get a hundred and twelve.

4 Can you explain that one?

5 A Some sort of error. There is a discount figure

6 missing.

7 Q So, it was supposed to be a hundred and twelve

8 and not a hundred and sixty?

9 A The extended price was to be a hundred and

10 twelve.

11 Q There is a line item for annual maintenance and

12 support for twenty-four thousand dollars. If Micros was

13 putting this license at USI, to whom would support have

14 been provided?

15 A To whom would support have been provided?

16 Q Yes.

17 A Support would have been provided to Micros.

18 Q Just below the table there is a line that says

19 annual maintenance and support terms and conditions, see

20 attached support agreement. To your knowledge, was a

21 support agreement attached to this document back in June

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1 of 2000?

2 A I don't recall.

3 Q Has a support agreement -- has that -- have you

4 ever seen the support agreement that may have been

5 attached to this document?

6 A If a -- if a maintenance and support agreement

7 had been attached, it would have been our standard

8 support and maintenance agreement.

9 Q You don't know whether one was ever attached to

10 this particular document?

11 A I don't know.

12 Q Doubling back to Exhibit No. 7, you see

13 attached to that a multi page end user license agreement

14 containing a number of what I presume are standard

15 Sagent terms and conditions of licenses. At least at

16 the time. Why was that agreement not part of this

17 June 30 exchange?

18 A Because this is two different deals.

19 Q Please explain.

20 A Well, if you look back on Page 5 of the

21 agreement, there is a listing of fifty quantity for the